

THE DAILY REBEL.

CHATTANOOGA:
WEDNESDAY MORNING, FEB. 4, 1863.

Many persons are cherishing the expectation that the war is rapidly approaching termination. President Davis, in his message, expresses the opinion that the war is in its third and last stage, and there are many indications going to support this view. The failure of the attempt to approach Richmond by way of Fredericksburg; the repulse of the enemy at Vicksburg; the growing dissatisfaction in Northwest and in Kentucky; the disaffection with which Lincoln's abolition proclamation is received by a large portion of the Southern people; the evident desire of the open nations to see this war ended, point to a speedy restoration of peace. We should be able to hold our own until Vicksburg should remain in our possession, and Middle Tennessee could be held by us until the month of May, we may cherish the hope that this is the last year of the war. If, however, we could lose either Vicksburg or Middle Tennessee, or should sustain any serious reverse in Virginia or on the coast, this war might be prolonged for a year or so more. It seems strange that the Northern people should see the folly of continuing this war with so little prospect of success. But though there are signs which are indicative of an early termination of the war, yet should not permit ourselves to be deluded with hopes which may prove vain and deceptive. The dissensions among the Southern people may not be sufficient to stop their energies as to force them to hostilities. But few if any men in the North, even among the most bitter of Lincoln's opponents, openly advocate war upon the basis of separation. They still talk about peace and a restoration of the Union. This is a vain delusion. That is the ground upon which they are advocating a cessation of hostilities, and do not understand the spirit and resolution of the people of the Confederate States. It may be possible that the overthrow of the Lincoln Administration may bring peace, and that the Democratic party of the North may be equally anxious for the prosecution of the war as the Lincoln party, though for different purposes, and for different principles. Whilst we sincerely hope that the war is approaching its termination, yet we should prepare ourselves for a long war. We should, however, make all our preparations for a united and not a divided North, and if peace should come, it would be all the more acceptable, because unexpected; and if the war should continue we would be prepared for it.

The Richmond Whig says Brigadier General Daniel S. Donelson will succeed Lieutenant Gen. E. Kirby Smith in the command of the Department of East Tennessee. We are advised that his department will also embrace Southwestern Virginia and that portion of Middle Tennessee within our lines. Gen. Donelson is one of the veteran commanders of the revolution, having been at the head of a brigade since the war began. He is an old soldier and a tried one on many a battle-field. When a young man he was an active participant in the Florida war, and afterwards served with distinction as a colonel of infantry, (having received the appointment from President Polk) through all the campaigns in Mexico. At the beginning of the present war with the United States, he left his home and family in Sumner county, Tennessee, to assume the responsible position to which he had been assigned, and served with his brigade during the first year of the war in Virginia. His brigade formed a portion of the army which, under the leadership of General Bragg, marched into Kentucky and took part in most of the important actions of that expedition. He was at the battle of Murfreesboro, and signal distinguished himself for gallantry, coolness and intrepidity, and a skillful handling of his splendid brigade on that memorable and well-contested field.

During his absence from home his beautiful farm and residence in Sumner have been favored with repeated visits from the Federal foraging parties, who have not failed to leave behind them traces of their vandalism to the rebel Brigadier. His home has been despoiled, his farm ravaged, and his family been driven into exile.

The General has two sons in the army—one a captain in the army of Virginia and the other an aid-de-camp on his father's staff. Few men have made greater sacrifices than General Donelson, who has introduced in the House of Representatives resolutions of inquiry concerning the captured and intercepted dispatches entrusted to Mr. Reid Saunders and expresses the opinion that the dispatches have been mutilated by the Yankees.

He and served their country with more patriotic ardor than Brigadier General Daniel S. Donelson. We are pleased to notice that he has lost much growth in favor with the "powers that be" to that extent that his services are required in a higher and more responsible trust. The Department of East Tennessee could not be entrusted to a mere vagabond commander.

The number of Generals which Tennessee has lost during this war is truly astonishing. First the lamented Zollicoffer fell whilst gallantly leading his troops at Fishing Creek. Had he lived, it is very probable the result of the battle might have been very different. His men had unbounded confidence in him, and when he fell they became dispirited having as they did, to contend against superior numbers under circumstances very disadvantageous to them. Zollicoffer was one of the first men not only in Tennessee, but in the Confederacy, and the whole country mourned his loss.

Next after Zollicoffer came Gen. Hutton. He too, was a great favorite with his men. The members of his regiment were very much attached to him, and when he became a Brigadier General, he proved himself fully equal to the position. Far away from his home on the banks of the Chickahominy, he gave his life to secure the independence of his country.

The last and youngest of the Tennessee Generals who has fallen on the field, was the gallant young Raines, who was killed in the battle of Marfaborough, almost within sight of his own home. Thus has Tennessee within twelve months lost three of her cherished sons who occupied the position of Brigadier General, to say nothing of the Colonels and other subordinate officers, who have also nobly perished in this struggle for independence. We do not think any other State can show so many losses of general officers in proportion to the number she had in Tennessee. We say this is no invincible spirit, but to show that those who at any time have been disposed to cast any reflections upon Tennessee have been ignorant of the facts. Whilst the majority of her people have been subjected to tests that many others have not known, and we trust may never know, the gallantry of her soldiers will compare favorably with those of any State in the Confederacy. Whilst she wishes to detract nothing from the well earned reputation of the soldiers from her sister States, she claims for her own noble sons the full meed of praise to which their heroism on so many well fought fields entitles them.

ED.—The letter of our Huntsville correspondent in regard to the Power and Jurisdiction of Military Courts, contains important suggestions. We do not express at present any opinion as to the extent to which military authority should be carried in time of war, but of one thing we feel satisfied and that is that Congress should act upon this subject, and should define with accuracy the jurisdiction of military courts. No person should be arrested without having the charges with specifications read to him at the time of his arrest. Military courts and military men should be governed by fixed laws, and not be left to the mere unrestrained will of those who compose the court. We have no objection to the proper exercise of military authority in fact we are in favor of it, but we desire that it may be kept within due bounds.

ED.—The Vicksburg Whig of the 27th ult., tells us the enemy appears to be doing nothing in front of that brave little city, except work on the famous canal. A gentleman from Arkansas, who left their lines Saturday evening, says they had thousands of troops at work, widening and deepening it. Saturday evening they turned the water in, but the body passing through was small. The enemy, however, expresses the determination to make a cut-off, and thus isolate Vicksburg, and as they have every facility for successfully performing such a work we shall not be surprised if, in four weeks, there is a sufficient body of water passing through the canal to admit of the largest steamer. It, therefore, behoves to prepare defences at some point or points farther down. The fortifying of Ellis' Cliffs, below Natchez, might be a good move, as it is evident the enemy intend making a desperate effort to get their whole force by here to assist Banks in reducing Port Hudson when they will return to this place. Grand Gulf and Rodney are eligible positions, but a cut-off can be as easily made at either of those places as here.

ED.—"Hermes" of the Charleston Mercury says the Arkansas Post is certainly captured. Among the prisoners taken there were three Texas regiments, one of them, if not the brigade, commanded by the Rev. George W. Carter, who has been so active in the war. All the officers in this regiment are said to be Methodist preachers. The country around Arkansas Post is famous for cotton, two planters in that vicinity raising each 1500 bales yearly.

ED.—Harper's Weekly for January 3d has an illustration in which the Goddess of Columbia, with outstretched arms, is represented as fiercely demanding of Lincoln, "where are my 15,000 sons murdered at Fredericksburg?" Lincoln looks terribly frightened, but endeavors to evade the question in his usual way. He replies, "This reminds me of a little joke." "Go tell your jokes in Springfield!" indignantly responds the goddess.

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The Jurisdiction and Power of Military Courts Special Correspondence of the Daily Rebel.

HUNTSVILLE, ALA., Jan. 28, 1863.

In a former letter I promised to give you my views as to the power of Military Courts, to try and to punish citizens. This is a subject of no small interest at this time, when we are in the midst of terrible war, and when our army in the field, battling for the independence of our country, and for the maintenance of our rights may be at the mercy of enemies at home, wearing the garb and claiming the protection of citizens. Whilst I admit that as a general rule, the military authorities should interfere as little with the rights of citizens as is consistent with the safety of the country and the preservation of the rights and liberties of us all, and whilst I further admit that as a general rule, citizens should be tried by civil courts, for the commission of offences against the Government, yet there are exceptional cases which it seems to me must come under the control of the military authorities, and in which citizens can right, and ought to be tried by military courts. Suppose a country is invaded and there are citizens who are believed to be giving aid to the enemy by acting as spies, giving them information, or furnishing them with the means of assailing, if not destroying, our army, and in that same country, on account of the conduct of arms, the civil courts are suspended, would any one contend that in such cases the military would not have the right to arrest such men, and upon sufficient proof being made to punish them. Take for instance West Tennessee. That country is now occupied by the enemy. No Confederate court can be held there; all means of punishment for offences against the army or Government of the Confederate States is taken away, unless the military courts have cognizance of such cases; now, would any one contend that if any citizen of West Tennessee were giving active assistance to the enemy, that he could not be punished in any manner until the courts of the country are again opened? This is a good deal the case in Middle Tennessee, and in portions of Virginia. No Confederate court is now held in Middle Tennessee, and in but very few, if any, places in that portion of the State are there Confederate Commissioners. Now, would it be contended that if a citizen of Middle Tennessee were found in correspondence with the enemy, giving them aid and comfort, that the military authorities would have no right to have such a man arrested, but that the due process of the civil courts must be availed? No man can be brought before a commissioner unless some one will go and give the information upon which the warrant of that officer will be issued. No one can be held to answer for high treason, except upon the finding of a bill of indictment by a grand jury. This is the position taken by those who deny the right of the military to arrest and try citizens in any case whatever. Suppose there should be no commissioner, and no grand jury could be held, must these persons be allowed to go at large because they are citizens and not soldiers?

Again, if these persons were even brought before a civil tribunal, the proof would have to be made public and the witnesses against the public enemy be made known. This might of itself interfere seriously with military operations, if it did not endanger the very existence of the army. Again, men will be willing to give information to our Generals, and instantly before military courts, who would be unwilling to come forward before a civil tribunal where every thing is made public, because they would know that if the enemy should again occupy the country, they would be punished for having given information against those spies and public enemies. The success of armies often depends on the secrecy of their movements, and the detection through was small. The enemy, however, expresses the determination to make a cut-off, and thus isolate Vicksburg, and as they have every facility for successfully performing such a work we shall not be surprised if, in four weeks, there is a sufficient body of water passing through the canal to admit of the largest steamer. It, therefore, behoves to prepare defences at some point or points farther down. The fortifying of Ellis' Cliffs, below Natchez, might be a good move, as it is evident the enemy intend making a desperate effort to get their whole force by here to assist Banks in reducing Port Hudson when they will return to this place. Grand Gulf and Rodney are eligible positions, but a cut-off can be as easily made at either of those places as here.

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something was intended by the omission. The fact that the words officers and soldiers were omitted in those articles, shows they were intended to embrace not only those in the army but citizens also who were guilty of the offences therein specified.

Congress at its last session, established military courts with extensive jurisdiction, embracing it seems to me offences committed by citizens as well as soldiers. These courts combine the powers of both civil and military courts, and were created under that clause of the Constitution authorizing Congress to establish courts. If these courts are not authorized to try citizens, then they have no more power than Courts Martial, and in the act creating them and defining their jurisdiction, it would only have been necessary to confer upon them the powers of Courts Martial. It would have been sufficient to have said that "their jurisdiction shall extend to all cases now cognizable by Courts Martial," but the act goes further and says it shall also extend to offences committed against the Confederate States, and to offences committed against the various States. These clauses appear to confer upon the courts the power to try offences committed by citizens as well as soldiers. From these clauses I infer that the jurisdiction of this court is not confined to offences committed by persons in the army. In what manner offenders are to be brought before these courts—whether by order of a General or by process from the Courts themselves, the act does not clearly point out, and in this particular seems to me to be defective. I am as much opposed as any one to the exercise of arbitrary power by military courts or military men, but in time of war, there are some things that must be submitted to in order to preserve the army and to accomplish the greater good. The powers and jurisdiction of military courts should be clearly defined, so that there will be no conflict between the civil and military authorities.

The just rights of the citizen should be preserved, but at the same time the safety and welfare of the army should be secured.

The State of Tennessee.

GEO. O. CAREY, J. C. CHAMBERS,
ALFRED M. CARL, et al., of Nashville.

IT is now reported in the State of Tennessee, so that the process of the Court martial will be served in the city of Chattanooga, requiring the defendant to appear at a Chancery Court to be held at the Court House in the city of Chattanooga, on Monday the 2nd of June next, and answer the complaint filed against him, and to pay the costs of his trial, and the cause set for hearing the 2nd of June next. JOHN G. JONES, CIR. & M.

\$25 REWARD

WILL BE PAID by the undersigned, for the delivery of my negro man "Bill," black complexion, twenty four or five years old, 5 feet 8 inches high, 140 pounds weight, in his long hair, an impediment in his speech, wears white stockings, about 160 pounds, and has on when he left dark clothing and bare headed. Said boy is bound hand and foot, and is now in the hands of Mr. J. W. Wilson, of Chattanooga, Tenn., on the 27th December, 1862, and left my premises on the night of the 12th January, 1863. The above reward will be given to anyone that will bring me to my house, 15 miles South of Chattanooga, the above negro, or recovered in some safe jail, or will get him back to me.

JOHN S. HENDERSON.

Attention Polk County Conscription.

All persons in Polk County, between the ages of 18 and 40 years, liable to conscription, will be assembled at Benton on the 9th day of February. Enrolling Officers will be furnished with blank certificates of exemption, to be filled up and issued to those who may be entitled to them. Persons claiming exemption under the law are advised to make application to their Enrolling Officers at once, that their claims may be decided on the 9th day of February.

Enrolling Officers will use their best endeavors to inform all the conscripts of their respective districts to which they belong, and to whom they are entitled to exemption.

E. D. BLAKE, Lt. Col. U.S.A.

W. P. HALE,
W. F. EDMONDSON,
Examining Board.

TOBACCO.

HAVE, and will always keep an ample large amount well selected stock of Yerba and N.Y. Tobacco, of all sizes and grades which I offer for sale to smokers at a low price at Smith's old stand, opposite the Presbyterian Church.

M. BRADY.

Information Wanted.

Dr. A. T. DULANEY, W. P. HALE,
W. F. EDMONDSON,
Examining Board.

GENERAL ORDERS.

No. 20.

XXVII. The order consolidating the regiments recruited and recently forming the brigade of serving Brigadier General A. Buford is hereby revoked, and the said consolidated regiments together with the forces of the 1st Ky. Cavalry, which were under the command of Gen. A. Buford, are to be reorganized, and formed into three regiments of cavalry, to be hereafter recruited to full numbers. Col. Chennault and Bullitt with their commands will report for duty, as a part of Gen. Buford's brigade.

By command of Secy. of War.

JOHN WITHERS, A. A. G.

By command of GEN. A. B. BRADY,

Gen. Wm. W. BROWN.

A. G. G.

The attention of all concerned is called to the following article of War.

Art. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop or company, which may discharge him from the regiment, troop or company, in which he has served up to the penalty of being dismissed from the service accordingly. And in case any officer shall be without a journal, and consequently stand upon his own merits, Comptroller of the War Dept. will be directed to furnish such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps by which he last served, and the said officer shall, by a Court Martial, be cashiered.

Will be rigidly enforced, both against those who refuse to report as stated above, and against soldiers who retain enlisted men absent from their command after the 1st February 1863.

By order of Brig. Gen. BUFORD.

Jesse. M. CROWDER, A. A. G.

ATTENTION KENTUCKIANS.

I HAVE now in camp 50 Kentuckians—I want 20 more to make up to 70. Will fit out my Company. We are now in camp at Mt. Pleasant, Ky. Battalion (formerly 1st Ky. Cavalry) at this place.

None but Kentuckians need apply as in this war we are without a journal, and consequently stand upon our own merits. Comptroller of the War Dept. will be directed to furnish such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps by which he last served, and the said officer shall, by a Court Martial, be cashiered.

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By order of Gen. A. G.

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By order of Brig. Gen. BUFORD.

Jesse. M. CROWDER, A. A. G.

ATTENTION Rhea County Conscription.

All persons in Rhea County, between the ages of 18 and 40 years, liable to conscription, will be assembled at Washington on the 13th day of February, 1863. Enrolling officers will be furnished with blank certificates of exemption, to be filled up and issued to those who may be entitled to them. Persons claiming exemption under the law are advised to make application to their Enrolling Officers at once, that their claims may be decided on the 13th day of February.

Enrolling Officers will use their best endeavors to inform all the conscripts of their respective districts to which they belong, and to whom they are entitled to exemption.

Commanding Officers.

We will be present at the above specified time and place to examine and discharge all men who are unfit for military duty by reason of disability.

N. T. DELANEY,

P. P. HALE,
W. F. EDMONDSON,
Examining Board.

Information Wanted.

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